

ANNUAL
REPORT
1999/2000



OCPO
OFFICE OF
CHILD
PROTECTION
OMBUDSMAN

OFFICE OF CHILD PROTECTION OMBUDSMAN

VISION:

Benefit the children of Utah through trust built on competency and caring.

MISSION:

Investigate consumer complaints regarding
the Division of Child and Family Services and assist in:

- Promoting changes in the child welfare system that will improve the quality of services provided to the children and families of Utah.
- Building bridges with partners to effectively work for children.

CREDO:

Children First

August 7, 2001

The Honorable Michael O. Leavitt
Honorable Members of the Utah Child Welfare Legislative Oversight Panel
Honorable Members of the Board of Child and Family Services
Dr. Robin Arnold-Williams, Executive Director, Department of Human Services
Ken Patterson, Director, Division of Child and Family Services

I am pleased to submit to you my Annual Report for the reporting period of July 1, 1999 through June 30, 2000, pursuant to Section (4) of the Ombudsman Act for your review.

Sincerely,

Marsha J. Peterson
Child Protection Ombudsman

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It has been the *dedication*
of OCPO, DCFS, child welfare partners, advocates,
and many other individuals that has made this evolution of
Utah's child protection and service system
successful for Utah's children.

OMBUDSMAN'S MESSAGE

The Office of Child Protection Ombudsman is an independent voice for children and families of Utah. Since our creation in January 1996, we have worked to establish an Ombudsman's Office that represents the citizens of Utah regarding their concerns with the Division of Child and Family Services.

I want to take this opportunity to acknowledge my dedicated and talented staff. Through their support and commitment to this office and the children it serves, the Office of Child Protection Ombudsman has become a trusted partner in child welfare. Their skill and perseverance has given the public a voice where once there was none.

The Ombudsman's Office was created at a time when Utah's child welfare system was facing many difficult challenges. It is the dedication of the Office of Child Protection Ombudsman, Division of Child and Family Services, and many other individuals that have contributed to the positive evolution of Utah's child welfare system. From my unique vantagepoint, I have been able to observe the progress and changes made to improve services for the children of Utah. As the child welfare system has evolved,

my eyes have been opened to the need to strengthen and nourish relationships between community partners. Many of Utah's professionals and child advocates have stepped forward to meet the challenge. During this reporting period, OCPO often collaborated with the Division of Child and Family Services, private agencies, courts, Guardians ad Litem, Assistant Attorneys General, medical professionals, and many others who are crucial partners of the child welfare system. These relationships enhance OCPO's perspective on individual case complaints and strengthen the recommendations made by our office.

The Utah's Ombudsman's Office is not only a valued partner in Utah's child welfare system, but also with the United States Ombudsman Association. Several states have contacted me to request information on establishing and operating an Ombudsman's office in their state.

My office is planning to host the first annual conference of the United States Ombudsman Association, Child and Family Chapter, in the Spring of 2001. In September 2000, I met with members of the United States Ombudsman Association from California,

Washington, and Arizona to plan the conference.

In addition to resolving and investigating complaints, our staff has been working to develop a database to track the complaints filed with the Ombudsman. This reporting year marks a successful release of the tracking system we have called Kids Information Data System (KIDS). This database allows the Ombudsman's Office to identify possible trends and reoccurring concerns.

It has been my privilege to serve as a member of the Board of Child and Family Services subcommittee to review the Child Protective Services (CPS) conflict-of-interest policy, the Child Welfare Coordinating Committee, and the Legislation 2000 Committee.

As the Child Protection Ombudsman, I applaud the efforts of all those involved in the often-difficult process of protecting children from abuse and neglect. It is my goal to remain visible and active in the on going fight against child abuse.

Marsha J. Peterson, Ombudsman

OCPO GOALS AND STRATEGIES FOR FISCAL YEAR 2001

The Office of Child Protection Ombudsman has established three primary goals for the year 2000-2001 that help to improve the public's trust, awareness, and understanding of OCPO's role and authority.

PARTNERSHIP:

Promote open lines of communication with DCFS administration and staff, state lawmakers, other state agencies, private entities and individuals.

Strategies:

- Initiate contact with DCFS and other state and private agencies to discuss having Internet links between their web sites and OCPO's web site.
- Report annually to the Child Welfare Legislative Oversight Panel, the Governor, Board of Child and Family Services, the Executive Director of the Department of Human Services, and the Director of the Division of Child and Family Services.
- Attend monthly meetings and submit special reports to the Child Welfare Legislative Oversight Panel and the Board of Child and Family Services.
- Attend quarterly meetings and interact with the Governor's Office of Constituent Affairs and the Constituent Services Specialists from other state agencies.

EDUCATION:

Improve the public's understanding of OCPO.

Strategies:

- Clarify OCPO's role, authority, and complaint process.
- Clarify that the services provided by OCPO are independent from DCFS.
- Develop a training plan and provide training to DCFS and the public statewide.

BUILDING TRUST:

Maintain a unit that is customer service driven.

Strategies:

- Treat customers with respect and dignity.
- Intervene on behalf of the customer and encourage conflict resolution at the lowest level possible.
- Conduct timely, thorough, and objective investigations.
- Build trust by reporting credible and objective information.
- Facilitate issue-related consultations that include the customer, DCFS, GAL, and AAG, and other appropriate individuals.

RETALIATION... PERCEPTION OR REALITY?

OCPO continues to receive reports from DCFS employees, DCFS clients, foster parents and other child welfare partners who report that their involvement with OCPO resulted in either retaliation or intimidation by DCFS staff. It is clear that the fear of retaliation, perceived or real, is an issue that needs to be addressed by DCFS Administration. OCPO is interested in partnering with DCFS to create a safe environment that promotes conflict resolution.

CASE #00-243-141

A medical professional contacted OCPO to report that a seven-week old child had sustained a non-accidental spiral fracture and that DCFS was not providing a recommended medical exam. OCPO reviewed the case and found that the child protective services worker closed the case unsubstantiated and took no action to ensure the safety of the child or her siblings. The family was reportedly cooperating with voluntary protective supervision counseling services provided by DCFS.

OCPO intervened and DCFS agreed to review the case findings and schedule the needed medical exam. Because of OCPO's intervention, immediate protection of the child was insured and the quality of services being provided to the child and family was improved.

AN UPSET AND FRUSTRATED MOTHER

called OCPO because she had just learned that her daughter was listed on the state's child abuse registry as a sexual perpetrator. The investigation occurred over 10 years ago. The mother was told by DCFS that in order to get her child's name removed from the database as a sexual perpetrator, she must go through the administrative hearing process. The administrative hearing could not be scheduled for several weeks and the mother thought that a hearing was pointless, since it was a simple clerical error. In addition to the mother, a state legislator and a DCFS Board Member asked OCPO to intervene and resolve this problem quickly.

OCPO reviewed the DCFS case file and gathered information from the Office of Crime Victim Reparation. OCPO identified that substantial evidence existed to show that the child was actually a victim of sexual abuse rather than a perpetrator. OCPO then met with the DCFS Official responsible for reviewing the cases that were eligible for a hearing. OCPO believed that this case did not need to go to a hearing and that the error could be quickly corrected, thereby saving the mother and her daughter grief, time and money. The DCFS Official reviewed the information that OCPO compiled and called the caseworker who investigated the case. After a discussion between the DCFS Official and the caseworker about the information gathered by OCPO, it was agreed that this child should not be listed on the child abuse registry as a sexual perpetrator. Shortly thereafter the child abuse registry was corrected to show that the child was indeed a victim. The mother, the state legislator, and the DCFS Board Member were pleased with OCPO's intervention.

THE OMBUDSMAN'S ROLE & AUTHORITY

The role of an ombudsman is to ensure that government agencies treat their clients fairly, promptly, and respectfully. The ombudsman is an impartial third party who neither represents nor advocates for the client nor the agency. If the ombudsman is an advocate for anything it is for excellence in government administration through fair and sensible treatment of citizens.

The paradox for the ombudsman is that the institution can be quite powerful while at the same time powerless. The office relies on its power of investigation, moral suasion, and its ability to publicly report administrative acts that have resulted in unfair treatment of citizens. Although ombudsmen have the authority to make recommendations, the recommendations are not binding.

The American Bar Association (ABA) identified the essential characteristics of an ombudsman as independence, impartiality and confidentiality. Independence allows the ombudsman to function autonomously, without interference, and on their own initiative. Impartiality means that the ombudsman holds no bias and that no conflicts of interest exist regarding an investigation. Confidentiality allows the ombudsman's process to work effectively.

While there are a number of possible ways for the ombudsman to achieve independence, experience on the state and local level has demonstrated rather consistently that unless there is structural independence, independence akin to the 1969 ABA standards will not be achieved. Therefore, the existence of ombudsmen located in the legislative branch of government, known as classical ombudsmen, in the United States is limited.

A national survey conducted by the Rhode Island Office of the Child Advocate identified that in 1999, 22 states have children ombudsmen or children ombudsmen-like offices. The type, jurisdiction, and authority of those offices vary nationwide because the authority given to the ombudsman is dependent upon the political environment in which each office was created.

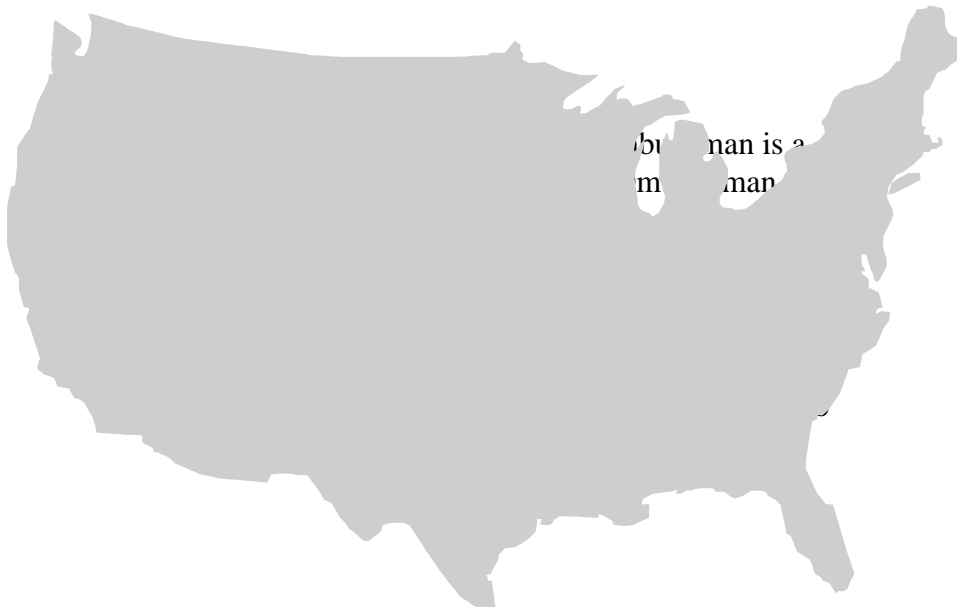
Statutorily OCPO was established as an organizational ombudsman in 1998 in the Department of Human Services, under UCA §62A-4a-208. That statute includes several items from the ABA model relating to independence such as allowing the ombudsman to act on his own

initiative, to decline any investigation, to employ staff as the ombudsman deems necessary, to have access to all of the department's records, and to report annually to the Child Welfare Oversight Panel, the governor, the Board of Child and Family Services, the executive director of the department, and the director of the division.

In OCPO's ongoing effort to maintain independence, impartiality, and confidentiality, OCPO compiled a list of items to be considered for the 2001 Legislative Session. These items will align OCPO even closer with the standards set forth by the ABA.

Sources

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CASE #00-143-75

A worried father and grandparents residing in another state called OCPO because they were concerned about their granddaughter living in her mother's home in Utah. They recently learned that their granddaughter had been sexually abused a few months before. They were especially worried because they called DCFS for help, but were told that DCFS would not help because the case had already been investigated and closed.

In response to the family's concerns, OCPO reviewed the DCFS case record and found that the child had been sexually abused and that services were offered to the child and her mother. Additionally, the mother and her child moved from the residence where the perpetrator was living. OCPO contacted Child Protective Services Intake on behalf of the father and grandparents to see if DCFS would check on the child. This time DCFS staff responded to the family's concern and an experienced and compassionate DCFS supervisor agreed to visit the child and her mother in their home. The supervisor found that the child was in a safe environment, that further intervention was unnecessary, and that the mother was not in need of DCFS assistance. The father and grandparent's appreciated OCPO's help and intervention.

CASE #00-260-117

OCPO and the Governor's Office received a letter from grandparents expressing concerns about a child protective services investigation involving their grandson. They alleged that the child protective services investigator did not conduct a timely investigation, did not appropriately utilize the Children's Justice Center during the investigation, and was not licensed. They also expressed concerns about the Office of Administrative Hearings, a County Commissioner, a custody evaluator, and law enforcement.

OCPO reviewed the child protective services investigation and found that the delay in the investigation was caused by a conflict of interest with the original investigator that was assigned to the case; however, this delay presented no risk to the child. OCPO found that the investigator did appropriately utilize the Children's Justice Center. OCPO verified that the investigator was licensed through the Division of Occupational and Professional Licensing. And finally, OCPO reviewed and agreed with a response that the Office of Administrative Hearings made to the grandparents.

OCPO provided the grandparents with information and resources on where they could seek resolution to their concerns about the County Commissioner, the custody evaluator, and law enforcement.

Although OCPO's intervention did not substantiate the grandparents' complaint, OCPO ensured that the child received appropriate services from DCFS.



OCPO IS PLEASED TO ANNOUNCE THEIR NEW ARRIVAL: KIDS FOR KIDS

KIDS is OCPO's new complaint tracking system to improve services provided by the Division of Child and Family Services to the children and families of Utah. KIDS stands for Kids Information Database System.

KIDS will assist OCPO in identifying:

- Complaints by geographical location, region, office, and worker;
- Reoccurring concerns; and,
- Children and families affected by DCFS actions.

The KIDS database will allow OCPO to track complaint information and produce reports reflecting what that information is telling us. This information will help the division to understand what trends OCPO is finding in the cases we review. These reports will be sent to DCFS, the Child Welfare Legislative Oversight Panel, the Governor, the DHS Executive Director, and the Board of Child and Family Services.

Robin Arnold-Williams, Executive Director of the Department of Human Services, approved development of the database in July 1999. Tom C. Vance, Programmer/ Analyst with the Office of Technology was asked to work with OCPO in making their vision a reality.

The targeted completion date was January 2000 and we made it! On January 2, 2000, OCPO staff began entering complaints into KIDS. Of course, there were still improvements to be made, reports to be developed, and "bugs" to work out, but OCPO staff has worked diligently and are making great progress.

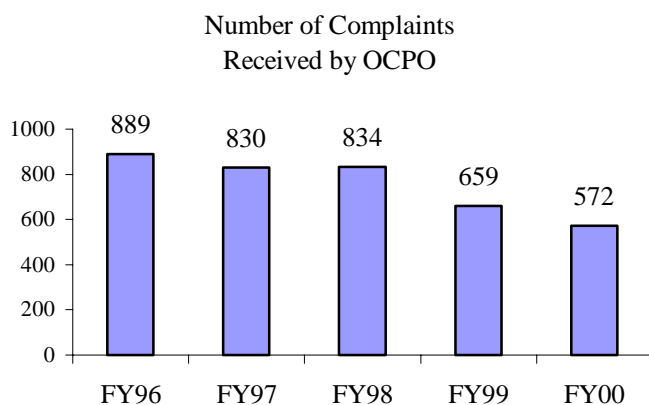
OCPO staff would like to express *Special Thanks* to Tom for his commitment to OCPO and KIDS. Because of Tom's knowledge, experience, sense of humor and most importantly, his patience, OCPO has reached their goal.

THE NUMBERS

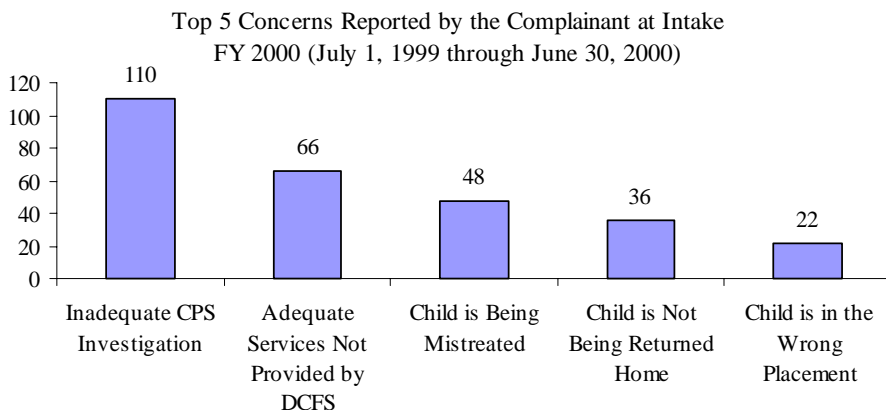
The implementation of KIDS enables OCPO to report a more accurate, targeted, and statistically sound picture of the work that we do than ever before.

KIDS has changed the way OCPO statistics are computed. Previously, OCPO reported on the number of complaints received, the number of investigations conducted, and the validity of those investigations. KIDS gives OCPO staff the ability to track and report the validity of each individual concern contained within the complaint or investigation. One investigation may contain as few as one or up to as many as 30 concerns.

In fiscal year 1999/2000 (FY2000), OCPO received 572 telephone, written, and in-person complaints. This number represents a decrease of 12.4%, or 81 complaints compared to FY 1998/1999.



Of the 572 complaints, OCPO was contacted most frequently about inadequate child protective services investigations, inadequate services being provided to the family, a child being mistreated, and foster children not being returned home.



CASE #00-236-138

OCPO received a complaint from a foster parent about a DCFS caseworker's treatment of a 16-year-old foster child. Both the complainant and the foster child had attempted to resolve this concern with DCFS. Despite the negative effect this situation was having on the child, DCFS refused to assign a new caseworker.

OCPO initially referred this complaint to the DCFS for resolution and a meeting was held with the complainant, worker, supervisor, regional director, and clinical consultant. The complainant contacted OCPO after the meeting to inform OCPO that they were unable to resolve the concerns. DCFS scheduled mediation with a court mediator to make another attempt at resolution. The complainant informed OCPO that she was uncomfortable with this course of action and she was confused as to why there had to be mediation. OCPO spoke with the regional director and asked that they have someone contact the complainant to explain the mediation process. OCPO also asked the regional director why a new caseworker could not be assigned if that would resolve the complainant's concerns. The Regional Director reported to OCPO that she was unaware that this was the complainant's only issue and agreed to meet with the complainant.

After the meeting with the regional director, the complainant informed OCPO that the regional director had agreed to assign a new caseworker and that her concerns had been resolved.

Although OCPO believes that a change in caseworkers needs to be carefully assessed and that a change is not always the answer, in this case the decision was made in the best interest of the child and was an appropriate resolution to the concern.

CASES REFERRED BY THE OFFICE OF THE GUARDIAN AD LITEM

During this reporting period, OCPO conducted 25 investigations referred by the Office of the Guardian ad Litem (GAL).

The investigations consisted of 144 total concerns, including concerns identified by OCPO. OCPO found that 88% (127) of the concerns were valid.

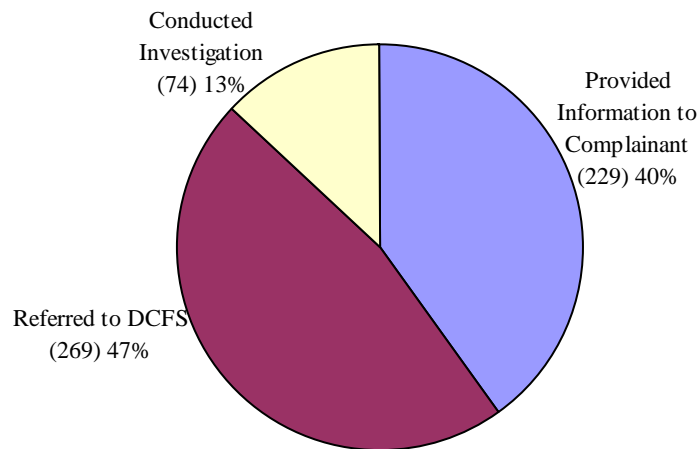
Of the 127 valid concerns, the most common concerns were:

- Delayed or inadequate assessment (28).
- Violation of policy, law, or court order by DCFS (12).
- DCFS staff and/or provider was not adequately trained to permit practice consistent with the practice model principles (9).
- Appropriate intervention and/or services were identified but not provided or initiated by DCFS (9).

Although the overall case concerns varied, one common factor that brought the GAL to OCPO is that the GAL felt their concerns were not being addressed by DCFS. The Ombudsman has received information that the GAL Administrator and DCFS Administration are now working together to resolve these types of concerns. OCPO has not recorded a referral from the GAL since April 13, 2000.

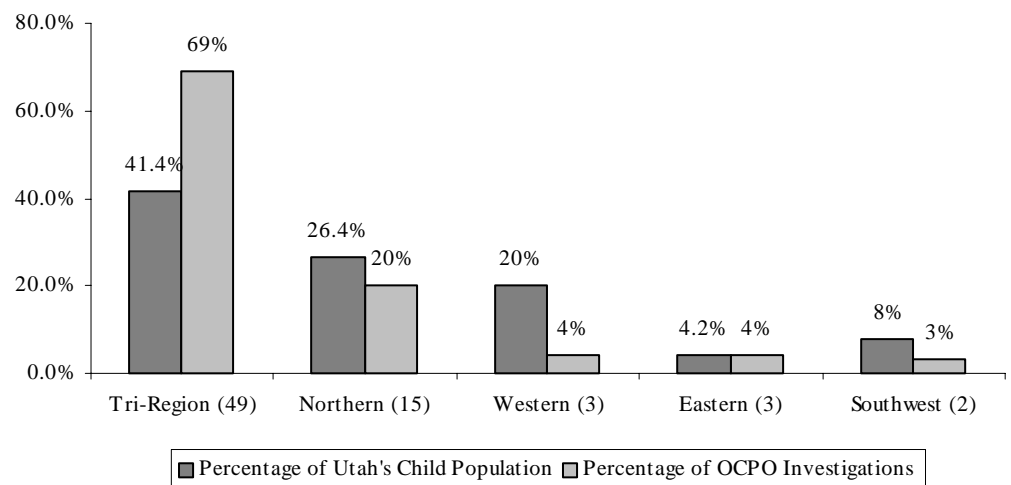
OCPO's goal to reach successful resolution of the complainants' concerns resulted in varied levels of intervention by the OCPO staff. Actions taken by OCPO included providing constituents with information about child welfare services or policies on 229 complaints, referring 269 complainants to DCFS for resolution, and opening 74 investigations.

Action Taken By OCPO



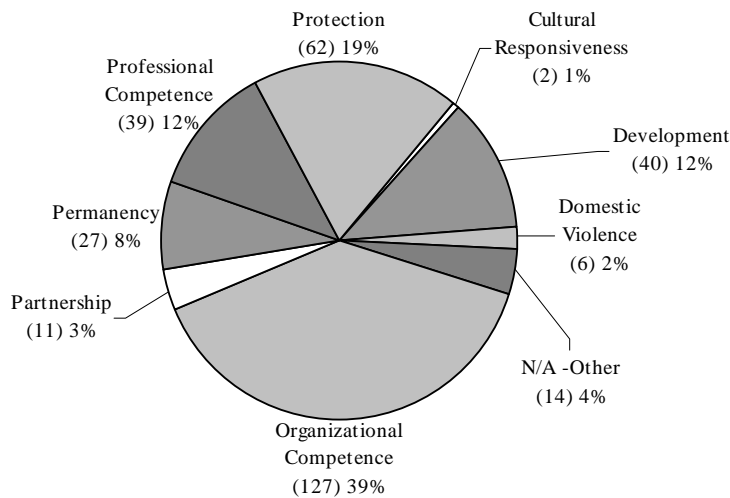
Of the 74 investigations opened in FY2000, 66 investigations were completed and eight investigations remained open at the end of the fiscal year. Of the 74 investigations, 69% were in the Tri-Region area, which consists of the Cottonwood, Granite, and Salt Lake/Summit Regions. The Tri-Region serves 41.4% of Utah's child population. Although the Eastern Region serves only 4.2% Utah's child population, 4% of OCPO's investigations were in that Region. In contrast, 4% of OCPO's investigations were in the Western Region; yet that region serves 20% of Utah's child population.

Comparison of Utah's Child Population and OCPO Investigations

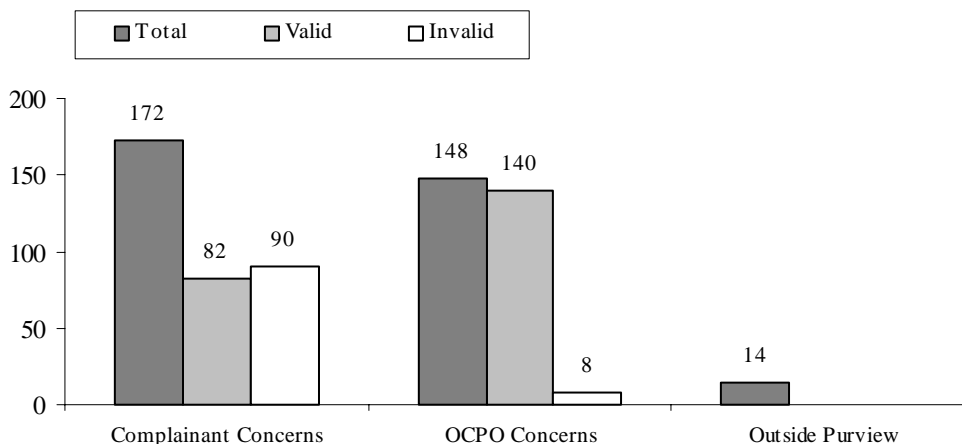


As part of DCFS's move from compliance-based practice to a social work/process-based practice, DCFS and community partners developed practice principles. The principles are a way for DCFS to guide social work practice to accomplish DCFS's mission. In order to clearly communicate identified concerns and recommendations to DCFS, OCPO has adapted KIDS to include these principles.

Categories of Concerns Investigated



During this reporting period, OCPO investigated a total of 334 concerns. Of the 334 concerns, the complainant expressed 172 concerns, OCPO identified 148 concerns, and OCPO declined to investigate or make findings and recommendations to 14 complainant concerns that were outside of OCPO's purview or were already under the jurisdiction of the Juvenile Court. Of the 172 concerns expressed by the complainants, OCPO found 82 concerns to be valid and 90 concerns to be invalid. Of the 148 additional concerns identified by OCPO, OCPO found 140 concerns to be valid and eight OCPO concerns to be invalid.



CUSTOMER SERVICE QUESTIONNAIRE

As part of OCPO's efforts to improve and enhance the services provided to their customers, OCPO has developed a customer service satisfaction questionnaire to send to their clients in October 2000. The objective of this questionnaire is to determine the degree of satisfaction of the customers with the service, information, and assistance provided to them.

The feedback from this questionnaire will help to determine the future direction of OCPO in an attempt to better serve their clients.

COMPLAINTS ABOUT OCPO

If you are dissatisfied with the manner in which a complaint is handled by staff at the Ombudsman's Office, the following is recommended. The dissatisfied client is encouraged to first raise the issue with the staff person involved. If this does not resolve the issue, the client is encouraged to speak to Marsha Peterson, Ombudsman, at 538-4589. If the complaint is still not resolved, the complainant may contact the Department of Human Services Executive Director's Office at 538-4001.

OCPO ON THE INTERNET

In May of 1999, OCPO created a web page to help increase the public's awareness of the services available through our office. Since that time, the web site has been accessed over 1,600 times. The web site provides information to the public regarding how we can help them resolve complaints about the services and protection provided by DCFS to Utah's children and families.

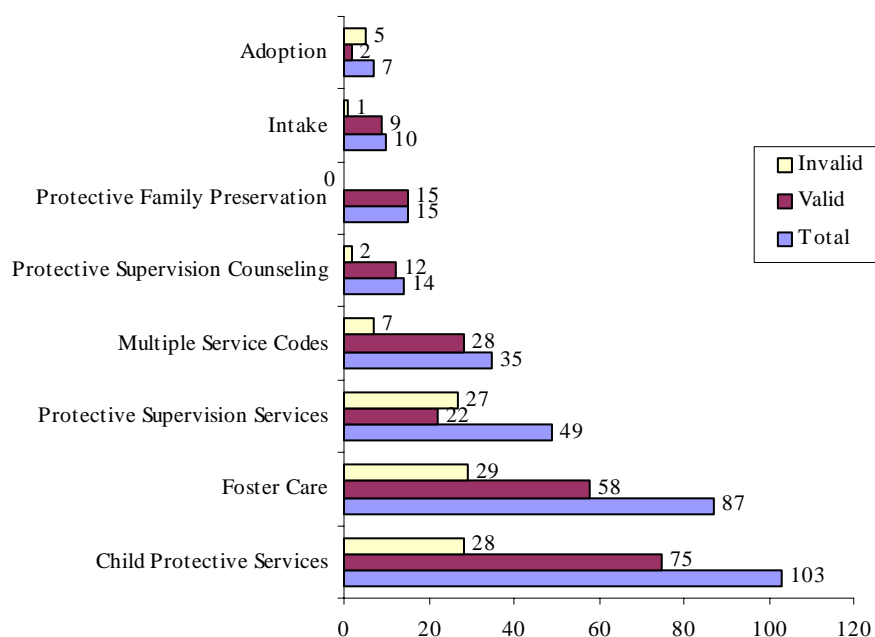
Visit us at www.hsocpo.state.ut.us to learn more about our office, the staff and the services we provide.

WE WOULD LIKE TO MEET YOU

We would like to introduce ourselves to your organization or group. We are available to provide training about our services, the kinds of complaints we receive, or any specific subject your group or organization might be interested in. Our brochures and reports are also available.

Validity of Investigated Concerns	Total	Valid	Invalid
Delayed or inaccurate assessment that resulted in inadequate intervention and/or permanency planning	69	51	18
DCFS staff and/or provider was not adequately trained to permit practice consistent with the practice model principles	49	36	13
Violation of policy, law, or court order	34	24	10
Inadequate documentation/record keeping	23	23	0
Unprofessional or unethical behavior by a DCFS employee	22	6	16
Appropriate intervention and/or services were identified but not provided or initiated in a timely manner.	21	17	4
Children did not receive adequate and/or timely medical, dental and/or mental health care	16	11	5
Other	14	4	10
Inadequate policy	12	12	0
Critical case decisions such as removal, placement, and permanency, etc. were made without the input of the child, family, providers and/or other stakeholders	9	6	3
Services required by the Service Plan were not appropriate, unavailable, or not created to respond to the need	9	7	2
Child and family were not involved in identifying their strengths and needs and in matching services.	6	1	5
Inadequate communication within DCFS.	6	6	0
Services were not provided in the least restrictive setting appropriate for the child's and family's need	6	1	5
DCFS staff workloads were too high to permit practice consistent with the practice model principles	4	4	0
Inadequate communication between DCFS and outside child welfare partners/stakeholders.	4	3	1
Objectives of the Service Plan were not individualized to the strengths and needs of the family and did not include specific steps to be taken and/or actions for monitoring progress.	4	2	2
Fiscal barriers that prevented practice consistent with the practice model principles	3	2	1
Parents were not receiving appropriate visitation with their children	2	1	1
Service Plan was not individualized, was not developed using a family team approach, and/or did not include a thorough assessment of the child's and family's strengths and needs.	2	1	1
Siblings were not placed together, or frequent sibling visits were not facilitated.	2	2	0
Children in placements were not provided with the support needed to achieve educational and vocational goals to become self-sufficient adults.	1	1	0
Services were not provided in the home or in a neighborhood-based setting.	1	0	1
Services provided did not take into consideration the cultural, ethnic, and/or religious heritage of the child.	1	1	0

Validity of Concerns by Service Code



To address the valid concerns, OCPO made case-specific recommendations as well as recommendations related to caseworker training and systemic issues. During this reporting period, OCPO most frequently made recommendations in the following areas:

- **Service Planning:** Creating effective service plans and including the family and other stakeholders in the development of the service plan.
- **Assessment:** Identifying and utilizing the family's DCFS history when assessing risk and determining appropriate services.
- **Documentation:** Completing activity logs and documenting case activities in a thorough and timely manner.
- **Collateral Contacts:** Appropriately using collateral contacts in assessing risk and determining appropriate services.
- **Court Interaction:** Complying with court orders and providing accurate and appropriate information to the Court.

OCPO is looking forward to developing KIDS further to include the tracking of recommendations made as a result of the concerns investigated. For the next reporting period, OCPO will be able to report on DCFS's compliance with OCPO recommendations.

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Tonya Myrup
Paul Schaaf
Pamela Silberman

Intake Specialist:
Carol Cook

Executive Secretary:
Pamela Martin



The OCPO logo portrays OCPO's credo: "Children First." The logo illustrates an adult bird sheltering, nurturing, and protecting a baby bird.

*OCPO would like to express appreciation to **Carol Bunker**, Assistant Professor of Graphic Design, and **Natalie Gibby**, Graduate Student, from the University of Utah Graphic Design Department for their assistance in developing the OCPO logo.*